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C O N F I D E N T I A L BAGHDAD 000253

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [IZ](#)

SUBJECT: MELKERT WARNS MALIKI ON DE-BA'ATHIFICATION; IHEC
REPORTS 180 DISQUALIFIED CANDIDATES REPLACED BY PARTIES

REF: BAGHDAD 0222

Classified By: A/DCM Gary A. Grappo, for reasons 1.4 b and d.

¶1. (C) UNAMI has stepped in to add urgency and reinforcement to the Embassy's message to Iraqi political leaders that the Accountability and Justice Commission must be compelled to stop its activities, that the appeals process must be legally sound to ensure due process for candidates, and that the courts must accelerate their work to keep up with the election timeline. SRSRG Melkert reported to Ambassador that he requested and received an urgent meeting with the PM January 31. He said he told the PM that the issue of appeals for the disqualified candidates needed to be resolved quickly. Candidates needed the opportunity to defend themselves and not be arbitrarily removed from the "ballot" (official candidate list) before the appeals process was completed. If this process were not done fairly and quickly, it threatened to call into question the fairness and legitimacy of the elections.

¶2. (C) According to Melkert, Maliki responded that on January 18 he instructed IHEC not to accept any more names or lists from the Accountability and Justice Commission (AJC). He also told Melkert that he would call Judge Medhat and tell him to accelerate the review process, in order to get it done in the next 2-3 days. If the Cassation Chamber could not get the appeals completed in that time-frame, the PM said he would request that that IHEC keep the names of the disqualified candidates on the candidate list to facilitate a post-election vetting process. (Note: Supreme Court Chief Judge Medhat al-Mahmoud told us separately that he expected the panel of judges would be able to complete their task in 7-10 days, i.e. o/a Feb.9).

¶3. (C) IHEC Commissioner Amal al-Bayraktar told poloff the evening of January 31 that IHEC has received 180 new candidate names from political entities (parties or coalitions) replacing disqualified candidates. (NOTE: We have not been able to determine if this number includes the 50 replaced candidates reported reftel. END NOTE.) Of these 180, Bayraktar said 30-35 candidates among this group might themselves be disqualified by the AJC. She also noted that, separately, IHEC had just received 25 additional names from the AJC that it was instructing IHEC to disqualify under de-Ba'athification. Commissioner Bayraktar complained about this continuing flow of new names from the AJC and said that the consensus on IHEC was that it would need to stop within a few days, given the need to certify and publish the candidate list.

¶4. (C) COMMENT: This updated number of replaced candidates lowers to 270 the overall universe of disqualified candidates on the AJC/IHEC list. It would also seem to lower the anticipated number appeals that Cassation Chamber will need to consider. This latest development continues a series of AJC reinstatements of some candidates and parties' replacing significant numbers of disqualified candidates. END COMMENT.

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